

REMARKS

The Office Action of February 23, 2006 finally rejecting the Claims rejects the independent claim, namely Claim 1, as being unpatentable over Lemelson et al. in view of Arnaud et al. or Collins.

First, all of the above references require illuminating a target. The claimed system requires an unilluminated source.

Secondly, the Lemelson et al. patent relies on a traditional IFF approach to identifying whether a given object is friend or foe.

IFF units work as follows. A coded optical beam is projected towards an object that has a transponder. The transponder receives the coded signal and, if it is a “friendly,” returns a coded signal back to the sending unit. Upon receipt of a friendly code, it is determined not to target the object that is sending the friendly code. In this case, Lemelson et al.’s warning unit 20 is the transponder.

Note, in Lemelson et al., the “friend” message, according to Figure 4, is transmitted (along with GPS coordinates) with an identifying code. If the object is unfriendly, there is no identifying code. If there is no identifying code returned there is no identification of the identity of the source. In short, since unfriendlies do not return an identifying code, there is no identification of the identity of the source.

Thirdly, Applicant claims a method for passively detecting, from its spectral signature, the identity of a received signal from an unilluminated signal source.

Lemelson et al. do not identify source by spectral signature. Rather they rely on a pinging system and return of a “friendly” code.

Fourthly, Applicant is claiming that from the position and amplitude of the spectral lines of passively received signals, one can recognize the source of the signal.

Nowhere do Lemelson et al. show or teach such a system.

Moreover, it is clear that neither Collins nor Arnaud et al. use whatever signals are returned to detect the identity of a source. Rather, they merely detect Doppler frequency shift, which does not identify the identity of a source. No analysis other than Doppler shift is made.

In summary, it would not be obvious to combine the references, first because Lemelson et al. do not show or teach passively detecting the identity of an unilluminated source, nor for that matter determining the identity of a source based on spectral content of the signal emitted from the source.

Secondly, a passive system is claimed. Thus, there is no active pinging system claimed and the claims do not apply to illuminated sources.

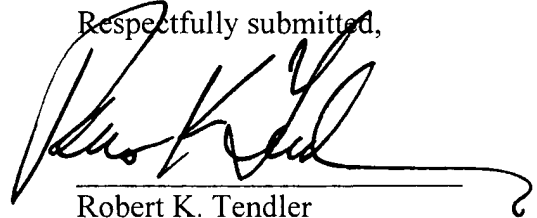
The claimed method is not a radar. It is not a LIDAR. It is not a range finder, but rather is a method that does not depend on illuminating any target with any radiation.

Simply put, IFF systems do not yield information as to the source of a signal that does not return the appropriate IFF code.

Allowance of the claims and issuance of the case is earnestly solicited.

Alternatively, entry of this Amendment for purposes of appeal is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert K. Tendler", written over a horizontal line.

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